

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DESTIN JUPITER, and)	
DANA JUPITER,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 21-cv-469-DWD
)	
MEAD JOHNSON & COMPANY,)	
LLC,)	
MEAD JOHNSON NUTRITION)	
COMPANY, and)	
ABBOTT LABORATORIES,)	
)	
Defendants.)	

MEMORANDUM & ORDER

DUGAN, District Judge:

On May 11, 2021, Defendant Abbott Laboratories removed this action from the Circuit Court of the Third Judicial Circuit, Madison County, Illinois, alleging that this Court has subject matter jurisdiction under the federal diversity statute, 28 U.S.C. § 1332. Abbott, an Illinois citizen seeking to remove a case from an Illinois state court, also alleged that jurisdiction was proper because the 28 U.S.C. § 1441(b)(2) “home state” bar on removal did not apply because removal occurred prior to service of any defendant.

Prior to removal, Defendant Abbott Laboratories confirmed with counsel for each defendant that no defendant in this action had been served. After removal, however, Abbot learned that Defendant Mead Johnson & Company, LLC, was served prior to removal, undermining the basis for jurisdiction alleged in Abbot’s notice of removal. All parties, including Plaintiffs, now agree that this action should be remanded to state court.

For good cause shown, the unopposed motion for remand is **GRANTED**. It is **ORDERED** that this action be **REMANDED** to the Circuit Court of the Third Judicial Circuit, Madison County, Illinois. The Clerk of Court is **DIRECTED** to transmit a certified copy of this Order to the clerk of the state court and thereafter to **CLOSE** this case.

SO ORDERED.

Dated: May 19, 2021

/s/ David W. Dugan
DAVID W. DUGAN
United States District Judge